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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION **\*E-FILED - 9/12/07\***

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
PIERRE DINH,  
  
Defendant.

No. 06-00195 RMW

STIPULATION AND ☐  
ORDER CONTINUING HEARING DATE  
AND EXCLUDING TIME

SAN JOSE VENUE

The undersigned parties respectfully request that the status hearing scheduled for September 6, 2007 be continued to October 29, 2007 at 9:00 a.m. The reason for the continuance is for the government to obtain the physical evidence in the case, some of which is in the possession of the Drug Enforcement Administration in Philadelphia, and to allow defense counsel an opportunity to review it. In addition, the parties request an exclusion of time under the Speedy Trial Act from September 6, 2007 to October 29, 2007. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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1 SO STIPULATED:

SCOTT N. SCHOOLS  
United States Attorney

2  
3 DATED: 9/5/07

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

5 DATED:

/s/  
DOUGLAS L. RAPPAPORT  
Counsel for Mr. Dinh

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9 Accordingly, for good cause shown, the Court HEREBY ORDERS that the status hearing  
10 scheduled for September 6, 2007 is continued to October 29, 2007 at 9:00 a.m.

11 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from  
12 September 6, 2007 to October 29, 2007. The Court finds, based on the aforementioned reasons,  
13 that the ends of justice served by granting the requested continuance outweigh the best interest of  
14 the public and the defendant in a speedy trial. The failure to grant the requested continuance  
15 would deny defense counsel reasonable time necessary for effective preparation, taking into  
16 account the exercise of due diligence, and would result in a miscarriage of justice. The Court  
17 therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A)  
18 and (B)(iv).

19 SO ORDERED.

20  
21 DATED: 9/12/07

  
RONALD M. WHYTE  
United States District Judge